IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 1997 of 2005**

Between:

The Eluru Club, Registered No. 11/50,
Eluru under Societies Registration Act, Rep by its President, Sri

Mavuleti Soma Raju, S/o. M. Mallappa Raju, Aged 50 years, R/o.

Eluru, West Godavari District.

**..... PETITIONER**

AND

1 The Superintendent of Police, Eluru, West Godavari District.
2 The Deputy Superintendent of Police, Eluru, West Godavari District.
3 The Circle Inspector of Police, Eluru, West Godavari District.
4 The Sub-Inspector of Police, Eluru One Town Police Station,
Eluru, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in asking the petitioner club not to allow it's members and their guests to play the game of rummy for stakes as arbitrary, illegal, null and void and further direct the respondents and their subordinates or any other authority, not to interfere with the legitimate activities of the petitioner association and it's members, and their guests including the playing of the cards game rummy with stakes in the petitioner's club premises and in the event of visit of the club premises they shall do so with the assistance of any Executive Magistrate of the Town, to pass such

other order or orders as may deem fit and proper in the circumstances of the case

**Counsel for the Petitioner:MR.VENKATESWARA RAO GUDAPATI**

**Counsel for the Respondents No.1 to 4: GP FOR HOME**

**The Court at the stage of admission made the following ORDER:**

The petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the

respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. There shall be no order as to costs.

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08.02.2005

Note:

Issue CC in three days.

(BO)

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To

1 The Superintendent of Police, Eluru, West Godavari District.
2 The Deputy Superintendent of Police, Eluru, West Godavari District.
3 The Circle Inspector of Police, Eluru, West Godavari District.
4 The Sub-Inspector of Police, Eluru One Town Police Station,
Eluru, West Godavari District.

5 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT).

6 Two CD copies.